



Representing the Global Shipping Industry

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RESCUE OF MIGRANTS AT SEA IS A LEGAL AND HUMANITARIAN OBLIGATION, SAYS SHIPOWNERS' GLOBAL TRADE ASSOCIATION

The rescue of all persons in distress at sea – including illegal migrants – is an obligation under international maritime law, as well as being a long established humanitarian duty, says the International Chamber of Shipping (ICS). ICS is the global trade association for commercial ship operators, whose ships are currently involved on a daily basis in the rescue of refugees at sea in the Mediterranean.

Whatever may be decided by policy makers in EU Member States, the legal and humanitarian obligation of merchant ships to provide assistance to anyone in distress at sea will remain unchanged, says ICS.

Commenting on new reports that some European Union Ministers have expressed concerns that search and rescue operations have acted as a 'pull factor' for illegal migration, encouraging people to make dangerous crossings in the expectation of rescue, ICS notes that merchant ships are legally required to rescue persons in distress at sea by the UN International Maritime Organization's Safety of Life at Sea Convention (SOLAS), to which virtually every maritime nation is a Party.

Under SOLAS, and the International Convention on Maritime Search and Rescue, the obligation of the ship Master to render assistance is complemented by a corresponding obligation of IMO Member States to co-operate in rescue situations, thereby relieving the Master of the responsibility to care for survivors, and allowing individuals who are rescued at sea in such circumstances to be delivered promptly to a place of safety.

The shipping industry is therefore very concerned by reports that the new EU Frontex operation 'Triton' will have a third of the budget of the current Italian 'Mare Nostrum' operation which it replaces, that its primary focus will be border control, and that search and rescue operations may be reduced in international waters.

It will clearly be much more difficult for merchant ships to save lives at sea without the adequate provision of search and rescue services by EU Member States. Moreover, whenever a ship performs its legal and humanitarian obligations, it will continue to be incumbent on EU Member States to ensure that those who are rescued can be readily disembarked at the next port of call, even when they may lack documentation.

End

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Notes

The International Chamber of Shipping (ICS) is the global trade association for merchant shipowners. Its membership comprises national shipowners' associations from 36 countries representing over 80% of the world merchant fleet.

Additional information at rescue at sea, produced jointly by IMO, UNHCR and ICS, can be found at:

<http://www.ics-shipping.org/docs/default-source/resources/safety-security-and-operations/rescue-at-sea.pdf?sfvrsn=10>